

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GERARD KEARNEY, <i>Plaintiff,</i>	§	
	§	
	§	
v.	§	CIVIL ACTION NO. 4:16-cv-01018
	§	
ALLSTATE INDEMNITY COMPANY, <i>Defendant.</i>	§	
	§	

AGREED MOTION FOR DISMISSAL WITH PREJUDICE

TO THE HONORABLE COURT:

Plaintiff, GERARD KEARNEY, and Defendant, ALLSTATE INDEMNITY COMPANY, file this, their Agreed Motion for Dismissal with Prejudice and would respectfully show unto the Court the following:

I.

Plaintiff and Defendant, through their counsel of record, announce to the Court that all matters in controversy between them have been fully and finally resolved. Plaintiff no longer desires to prosecute this suit against any Defendant. The intent of this Agreed Motion for Dismissal is to dismiss all Defendants from this cause of action whether or not specifically referred to herein.

II.

Plaintiff and Defendant move this Court to dismiss this case with prejudice as to all Defendants, with costs to be taxed against the party incurring same.

WHEREFORE, Plaintiff and Defendant respectfully request the Court enter their Agreed Order of Dismissal with Prejudice as to Plaintiff's right to refile same.

Respectfully submitted,

By: /s/ Matthew J. Worrall *

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**Signed with Permission*

By: /s/ Jay Scott Simon

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January, 2017, a true and correct copy of the foregoing has been forwarded to all counsel of record in accordance with the Texas Rules of Civil Procedure:

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